

REMARKS

This is in response to the currently outstanding Official Action in the above-identified application, which Official Action the Examiner has designated as being FINAL.

Claims 1- 5 and 7-14 were pending in this application at the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Applicants have proposed that Claims 1-5 and 7-9 be canceled, without prejudice. Further, Applicants have proposed that Claims 14 and 15 be amended so as to depend from Claim 10, rather than from Claim 1. Applicants do not propose the addition or withdrawal of any claims. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 14-17 as hereinabove amended will constitute the claims under active prosecution in this application.

The claims of this application as they will stand in the event that the Examiner grants entry to the foregoing Amendment are reproduced above including appropriate status identifiers and showing the changes made as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Re-acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and reconfirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office;
2. Again indicated that the drawings filed as part of this application on 8 July 2005 are accepted;
3. Objected to the phraseology of Claim 4.

4. Objected to Claims 14-17 under 37 CFR 1.75(c) as being in improper dependent form for failing to further limit the subject matter of the previous apparatus claim upon which they at least in part depend;
5. Rejected Claims 14-17 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.
6. Rejected Claims 1-9 (presumably meaning Claims 1-5 and 7-9) under 35 USC 102(b) as being anticipated by Komoda, et al (US Patent No. 6,249,080 B1).
7. Indicated that Claims 10-13 are allowed and provided Applicants with his reasons for that allowance.

No further comment regarding items 1-2 and 7 above is deemed to be required in these Remarks.

With respect to items 3 and 6, Applicants respectfully note that by the foregoing Amendment they have proposed the Claims 1-5 and 7-9 be canceled, without prejudice. Accordingly, in the event that the Examiner grants entry to this Amendment, Applicants respectfully submit that the subject matter summarized in items 3 and 6 above will become moot.

With respect to items 4 and 5 above, Applicants respectfully note that by the foregoing Amendment they have proposed that Claims 14 and 15 be amended so as to depend from method claim 10 rather than apparatus claim 1. Applicants respectfully submit that, as apparently suggested by the Examiner in item 3 of the currently outstanding Official Action, this change in the dependency relationship of Claims 14 and 15 if granted entry by the Examiner will remove the bases for the Examiner's objection to Claims 14-17 under 37 CFR 1.75(c) and also will remove the bases for the Examiner's rejection of Claims 14-17 under 35 USC 112, second paragraph. This is because the above-proposed amendment of Claims 14 and 15 would result in Claims 14-17 all being directly or indirectly dependent upon allowed method Claim 10.

More specifically, Applicants respectfully submit that the above-proposed amendment of Claims 14 and 15 would remove any implication that Claims 14-17 fail to further limit the subject matter of a previous claim because it would be clear that the method steps recited therein constitute further limitations upon the method claimed in the claims from which Claims 14-17 will depend in the event that the Examiner grants entry to the foregoing Amendment. Similarly, the above-proposed amendment of Claims 14 and 15 would result in Claims 14-17 defining a method that is differentiated from the apparatus of Claim 1 (proposed to be canceled, without prejudice by the foregoing Amendment).

For each and all of the foregoing reasons, entry of the foregoing Amendment, reconsideration and allowance of all of the claims then present in this application (namely Claims 1-5 and 6-17 as hereinabove amended) in response to this communication are respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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